

FILED IN CHAMBERS
U.S.D.C. - AtlantaIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JUL 14 2015

James M. Hatten, Clerk

By Am Courtes Deputy Clerk

ADRIAN CAMPBELL,

Movant

v.

UNITED STATES OF AMERICA,

Respondent

CRIMINAL ACTION FILE NO.
1:08-CR-371-3-ODE-AJBCIVIL ACTION FILE NO.
1:15-CV-1689-ODE-AJBORDER

This criminal case is before the Court on the Final Report and Recommendation of United States Magistrate Judge Alan J. Baverman filed May 19, 2015 ("R&R") [Doc. 429]. No objections have been filed.¹

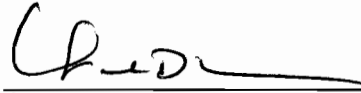
In the R&R, the Magistrate Judge recommends that Movant's § 2255 motion be dismissed as untimely. The Magistrate Judge also recommends that a certificate of appealability ("COA") be denied and that Civil Action No. 1:15-CV-1689 be dismissed. Specifically, the Magistrate Judge found that Movant has not presented anything to suggest the applicability of the circumstances set forth in 28 U.S.C. § 2255(f)(2)-(4) justify equitable tolling or demonstrate actual innocence. In addition, a COA should be denied because it is not debatable that the § 2255 motion is untimely.

The Court having read and considered the R&R and noting the absence of any objections, it is hereby ADOPTED as the opinion and order of the Court. For the reasons set forth in the R&R, Movant's

¹On June 8, 2015, Movant requested an extension of time to respond to the R&R [Doc. 432]. By Order filed on June 15, 2015 [Doc. 433], this Court granted Movant's request, giving him until July 1, 2015 to file his response. However, no response has been filed.

§ 2255 motion [Doc. 428] is DISMISSED as untimely, a COA is DENIED, and Civil Action No. 1:15-CV-1689 is DISMISSED.

SO ORDERED, this 14 day of July, 2015.



ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE